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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

FILE: B-198523

[Claim for]

DATE: October 6, 1980

MATTER OF: Eugene R. Pori - Temporary quarters subsistence expenses]

**DIGEST:**

Transferred employee of Water and Power Resources Service reclaims \$414.13 in subsistence expenses disallowed by agency as unreasonable in accordance with para. 2-5.4a of the FTR and our decision Jesse A. Burks, 55 Comp. Gen. 1107 (1976) and 56 id. 604 (1977). Employing agency has initial responsibility to determine reasonableness of expenditures for subsistence while occupying temporary quarters. Where agency has exercised that responsibility, GAO will not substitute its judgement for that of the agency in the absence of evidence that the agency's determination was clearly erroneous, arbitrary, or capricious.

Kathryn E. Mitchell, an authorized certifying officer for the Water and Power Resources Service, U.S. Department of the Interior, requests an advance decision of this Office in connection with a reclaim voucher filed by Mr. Eugene R. Pori following the agency's partial disallowance of his claim for subsistence expenses he incurred while occupying temporary quarters. The expenses represented by the reclaim voucher may be allowed to the extent indicated in the following analysis.

Mr. Pori, an employee of the Water and Power Resources Service, Lower Missouri Region, transferred from Libby, Montana, to Casper, Wyoming, reporting September 19, 1979. From that date until October 18, 1979, Mr. Pori and his three dependents occupied temporary quarters. For subsistence while occupying temporary quarters during this period Mr. Pori filed a claim for \$1,722.13, which the agency suspended for further clarification. The agency indicated that in accordance with para. 2-5.4a of the Federal

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Travel Regulations (FPMR 101-7) (May 1973), reimbursement could only be made for actual subsistence expenses incurred provided they are incident to occupancy of temporary quarters and are reasonable as to amount. Thus the agency suspended the claim because it appeared that Mr. Pori's claim for the cost of meals was based on estimates of expense rather than on actual costs incurred. Mr. Pori's first itemized reclaim voucher for subsistence expenses while occupying temporary quarters was submitted in the amount of \$1,722.13. Of this amount the agency allowed a total of \$1,308. Referring again to para. 2-5.4a of the Federal Travel Regulations the agency explained the \$414.13 disallowance by stating that the amount claimed for groceries consumed during the occupancy of temporary quarters was unreasonable. In reaching this conclusion the agency relied on statistical guidelines and intermediate budget data furnished by the Bureau of Labor Statistics for the time and locations in question. In this regard the agency further stated that their determination as to a reasonable amount was based on guidance provided in our decision Jesse A. Burks, 55 Comp. Gen. 1107 (1976); reconsidered and amplified, 56 Comp. Gen. 604 (1977). Applying these guidelines the agency concluded that the maximum amount allowable for food was \$13.38 per day.

In submitting a second reclaim voucher in the amount of \$414.13, Mr. Pori contends that the pro-rated amounts spent for groceries and meals are not unreasonable in view of the cost of groceries and meals in the Casper, Wyoming, area. This contention is supported in part by a memorandum appearing in the record from the Project Manager at Mr. Pori's new duty station to the Regional Director, asserting that a comparison of grocery prices between Denver (on which the statistical budget was based) and Casper indicated that prices were approximately 1.5 percent higher in Casper.

Under section 5724a(a)(3) of title 5, United States Code, an employee for whom the Government pays expenses of travel and transportation in connection with an official transfer of station under

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5 U.S.C. § 5724(a) may be reimbursed subsistence expenses for himself and his immediate family for a period of up to 30 days while occupying temporary quarters. Regulations implementing 5 U.S.C. § 5724a (a)(3) are contained at chapter 2 part 5 of the Federal Travel Regulations. Under para. 2-5.4b of these regulations actual expenses are required to be itemized in a manner prescribed by the head of the agency that will permit at least a review of amounts spent daily for lodging, meals, and other items. Although the regulations do not require a meal-by-meal statement of costs, they do require that the actual amounts spent be shown. Thus, while average estimated meal costs are not generally held to be acceptable, claims have been allowed on the basis of such estimates where the expenses claimed are reasonable and are based on actual expenditures. B-171098, January 28, 1971.

It is the responsibility of the employing agency, in the first instance, to determine that subsistence expenses are reasonable. Where the agency has exercised that responsibility, the General Accounting Office will generally not substitute its judgement for that of the agency, in the absence of evidence that the agency's determination was clearly erroneous, arbitrary, or capricious. 55 Comp. Gen. 1107 (1976), supra. And, the evaluation of the reasonableness of amounts claimed must be made on the basis of the facts in each case. 52 Comp. Gen. 78 (1972). To assist agencies in making an independent determination as to the reasonableness of claimed subsistence expenses in a given case we have stated that the information published by the Bureau of Labor Statistics provides an objective and readily available indication of reasonable expenditures for subsistence by families in certain geographical locations. When the expenses incurred by an employee appear unreasonable, an adjustment for reimbursement purposes may be made by reference to such information. 56 Comp. Gen. 604 (1977), supra.

In the present case, the agency first suspended Mr. Pori's claim and required him to submit a properly itemized claim for subsistence expenses. Upon receipt of the itemized reclaim voucher the agency

reduced the amount claimed to a reasonable sum as determined on the basis of the evidence in the case and in reliance upon statistics and other information gathered by Government agencies regarding living costs in relevant locations. As the agency's actions in evaluating Mr. Pori's claim have not been clearly erroneous, arbitrary, or capricious, this Office has no reason to substitute its judgment on the reasonableness of Mr. Pori's claimed subsistence expenses for that of the agency.

However, as stated in 55 Comp. Gen. 1107, supra, at page 1111, since statistics are based on averages, the actual expenses of a family would vary in accordance with various factors. Therefore, if the agency should find that, as contended by Mr. Pori, food prices in Casper were higher than those in Denver, the agency may take this into account in reaching a determination of reasonableness.



For The Comptroller General  
of the United States